

THE HONORABLE TANA LIN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	No. CR24-162-TL
)	
Plaintiff,)	REPLY TO GOVERNMENT
)	RESPONSE FOR REVIEW AND
v.)	REVOCATION OF DETENTION
)	ORDER
KYLE CHRISTOPHER BENTON,)	
)	Note on Motion Calendar:
Defendant.)	October 7, 2024
)	
)	Oral Argument Requested

Mr. Benton is neither a flight risk nor a danger to the community. This Court should release him on the conditions requested by the defense.

By failing to argue for detention based on serious risk of flight, the government implicitly conceded that Mr. Benton is not a flight risk. Instead, the response highlighted online speech attributed to Mr. Benton, his mental health history, and a dismissed misdemeanor charge to argue that he is a danger to the community.

Mr. Benton is the sole breadwinner for his family, including his two young children. He is a self-described “workaholic” who, along with other changes to his life over the past year, also committed himself to spending more time with his family and children and less time working. He had been slowly, but surely, changing his priorities, his peer groups, and his perspective on the world. But one thing did not change for him: the importance of providing for his family. As his history and the willingness of his former employer to allow him to return to work shows, hard work is not something he

shies away from, and this characteristic is something people have always been able to rely on.

Despite the government’s argument (Dkt. 24 at 8), Mr. Benton’s online postings and previously held views are not secret. Multiple law enforcement agencies have been surveilling Mr. Benton’s online and other activity since 2019 (Dkt. 24 at 2). His social media accounts and postings regularly showed both his face and other personally identifying information. And the people in his life, including those who submitted support letters, were not in the dark about this side of him—they simply saw a real and substantive change over the past year. *See* Dkt. 19-1 (“I admire the trials he has overcome, from what he’s shared about me about spending much of his life indoctrinated into hatred that he no longer carries with him.”).

Mr. Benton has no criminal history. The government attempts to minimize this by pointing to a dismissed misdemeanor that was found to be unsupported by the military. Dkt. 24 at 9 n. 2. He is no longer in a relationship with the individual who made the allegation against him at that time.

Finally, the government’s contention that Mr. Benton has “access to psychological services and therapeutic interventions [in custody], including medication-based treatment, which he can access to continue addressing his mental health issues” is a wildly inaccurate statement. The lack of medical and mental health services at FDC SeaTac is dangerous and chronic. In this reply, the defense will limit itself to the individual circumstances presented here. Mr. Benton has been in custody since September 6, 2024. Despite multiple requests and advocacy from the defense team in both September and, as recently as this past week, he has not received any “psychological services...therapeutic interventions [or] medication-based treatment.” On the other hand, the professionals he was seeing outside of custody have affirmed a

1 willingness and desire to continue working with him and, if he is released on bond, he
2 will *actually* have access to his prescribed medication.

3 Even if the Court is disturbed and concerned about the kind of comments and
4 views attributed to Mr. Benton, this does not make him an unmanageable danger to the
5 community. The government has seized all of his firearms. His proposed release is with
6 a friend who is aware of his history—both the negative aspects and his actions over the
7 past year to open himself to other viewpoints. Despite the evidence proffered by the
8 government, his friend, Avery, has offered to act as a third-party custodian, in a show of
9 their belief in the changes they have seen in Mr. Benton over the past year. His family
10 and partner all voice their support for him and have provided the Court with an honest
11 but hopeful view of his future and a belief that he will abide by any conditions that the
12 Court orders.

13 Finally, the defense is not asking that this Court release Mr. Benton without
14 conditions. It has suggested stringent terms of release that will address any concerns the
15 Court may have about potential danger to the community. This Court should release
16 Mr. Benton on these restrictive conditions which will allow him to support his family,
17 engage in meaningful and targeted mental health treatment, and maintain the bonds he
18 has made with family and friends who hold accepting and unprejudiced views of the
19 world.

20 DATED this 7th day of October 2024.

21 Respectfully submitted,

22 s/ Sara Brin

23 s/ J. Leonardo Costales

24 Assistant Federal Public Defenders

25 Attorneys for Kyle Christopher Benton

26 I certify this motion contains **739** words in compliance with the Local Criminal Rules.